

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

August 28, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 08HD-154

Hawaii

Sale of Remnant to Concept Construction, Inc., Waiakea, South Hilo, Hawaii, Tax
Map Key: 3rd/2-4-57:portion of 01.

APPLICANT:

Concept Construction, Inc. a Hawaii corporation whose business and mailing address is
558 Kanoelehua Ave. Hilo, Hawaii 96720.

LEGAL REFERENCE:

Section 171-52, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waiakea Houselots situated at Waiakea, South Hilo,
Hawaii, identified by Tax Map Key: 3rd/2-4-57:portion of 01, as shown on the attached
map labeled Exhibit A.

AREA:

0.119 acres, more or less.

ZONING:

State Land Use District: Urban
County of Hawaii CZO: Residential-RS 10

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Vacant and unencumbered.

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion beyond that previously existing."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO
Registered business name confirmed:	YES <u>X</u>	NO
Applicant in good standing confirmed:	YES <u>X</u>	NO

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Pay for an appraisal to determine the one-time payment of fair market value for the remnant;
- 2) Consolidate the remnant with the Applicant's abutting property through the County subdivision process;
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost;

REMARKS:

Pursuant to section 171-52, HRS, a remnant is defined as "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics." The subject parcel has been

determined to be a remnant by this definition for the following reasons:

The parcel is an abandoned railroad right-of-way.

Applicants are the owners of parcels (3) 2-2-25:22 as staff has confirmed by an on-line research through the County of Hawaii Real Property Tax Office. According to Section 171-52, HRS, if there is more than one abutting owner who is interested in purchasing the remnant, it shall be sold to the one submitting the highest sealed bid or if the remnant abuts more than one parcel, the Board may subdivide the remnant so that a portion may be sold to each abutting owner. The abutting property owner in this case, GP Hoaloha Limited Partnership, does not wish to purchase their portion of the remnant State lands.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Various governmental agencies were solicited for comments. All respondents had no objections to the request as indicated below:

County of Hawaii Agencies	Comments
Environmental Management	No Response
Fire Department	No Response
Planning	No Response
Police Department	No Response
Public Works	No Comments
Water Department	No Response
Parks & Recreation	No Response
State of Hawaii Agencies	Comments
DOH-Environmental Management	No Response
DHHL	No Response
DLNR-Historic Preservation	No Response
DLNR-Na Ala Hele	No Response
DOT-Highways Division	No Comments
Other Agencies	Comments
Office of Hawaiian Affairs	No Response

Staff reviewed the remnant if it had the potential for revenue development and has concluded it is not a good candidate because it is surrounded by private properties (Salvation Army and Concept Construction). The width is only 30 feet wide. With County setback requirement of 10 feet, the usable (developable) area would be roughly 10 feet by 150 feet.


RECOMMENDATION:

That the Board:


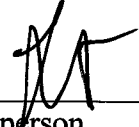

1. Find that the subject lands are economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics and, therefore, by definition is a remnant pursuant to Chapter 171, HRS.
2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
3. Authorize the subdivision and consolidation of the subject remnant by the Applicant.
4. Subject to the Applicant fulfilling all of the Applicant Requirements listed above, authorize the sale of the subject remnant to Concept Construction, Inc. covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current deed or grant (remnant) form, as may be amended from time to time;
 - b. Review and approval by the Department of the Attorney General; and
 - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Gordon Heit
Land Agent 

APPROVED FOR SUBMITTAL:

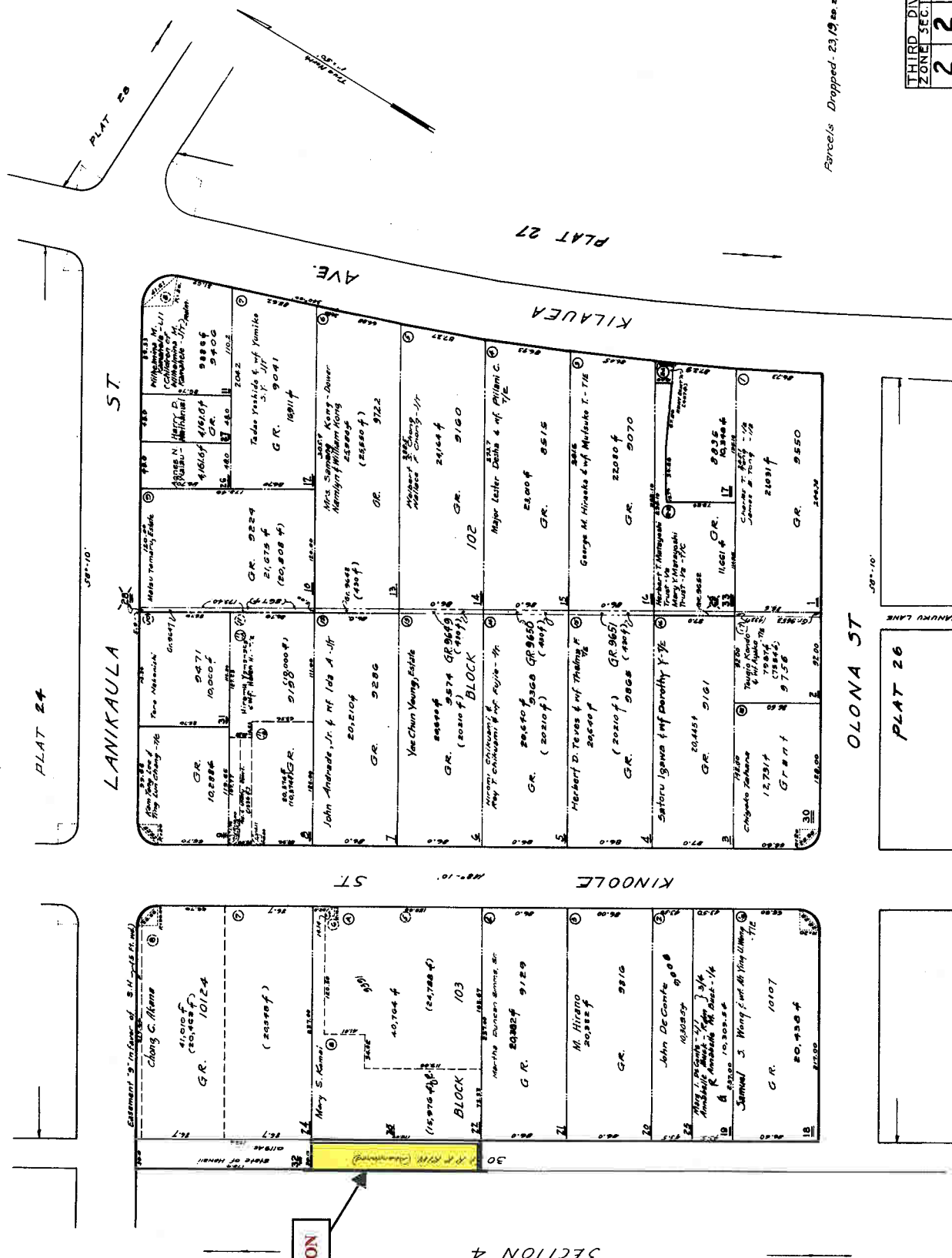
  

Laura H. Thielen, Chairperson

Parcel/s Dropped - 23, 19, 20, 26,

THIRD DIVISION			
ZONE	SEC.	PLAT	
2	2	25	
CONTAINING PARCELS			
Scale: in. = 50 ft.			

ATTACHED REPORT
SUBJECT TO CHAIRMAN



SECTION 4

Sale of Remnant RR Right-of-Way

